

MARINE SAFETY MANUAL

CHAPTER 18: SHIPMENT AND DISCHARGE OF SEAMEN

A. Laws	18-1
B. Regulations	18-1
C. Compliance With Statutory Requirements.....	18-1
D. Coast Guard Address.....	18-2
E. Shipment Of Seamen On Foreign Or Intercoastal Voyages.....	18-2
1. Production Of Documents By Seamen Signing Shipping Articles.....	18-2
2. Mutilated Documents.....	18-2
3. Fraudulent Use Of Documents	18-2
4. Contractual Relationship Between Master And Crew	18-2
5. Form Of Shipping Articles	18-2
6. Number And Disposition Of Shipping Articles And Particulars Of Engagement.....	18-3
7. Changes To Shipping Articles	18-3
8. Signing On Crew Replacements	18-3
9. Employment Of Alien Cadets	18-3
10. Posting Of Shipping Articles	18-3
11. Posting The Provisions Text	18-4
F. Discharge Of Seamen On Foreign Or Intercoastal Voyages.....	18-4
1. Completing Entries In Shipping Articles At Completion Of Voyage	18-4
2. Use Of Certificate Of Discharge, Form CG-718A.....	18-4
3. Use Of Continuous Discharge Book, Form CG-719A	18-5
4. Discharge Of Seamen In A Foreign Port Or Place	18-5
5. Discharge Of Seamen In Special Cases.....	18-5
6. Crew Replacements	18-6
7. Reporting Crew Shortage	18-6
8. Reporting Change Of Masters	18-7
9. Number And Disposition Of Particulars Of Discharge Page.....	18-7

G. Shipment And Discharge Of Seamen On Domestic Voyages.....	18-7
1. Coastwise Voyages.....	18-7
2. Other Domestic Voyages	18-8
H. Official Logbooks.....	18-9
1. General.....	18-9
2. Character Entry By Master Upon Discharge Of Seaman.....	18-10
3. Logbook Entries	18-10
I. Deceased And Deserting Seamen	18-10
1. Disposition Of Wages And Effects	18-10
2. Deceased Seamen	18-10
3. Deserting Seamen	18-10

MARINE SAFETY MANUAL

CHAPTER 18: SHIPMENT AND DISCHARGE OF SEAMEN

A. Laws.

The laws contained in 46 U.S.C., Subtitle II, Part G cover the shipment and discharge of seamen.

B. Regulations.

The rules and regulations contained in 46 CFR Part 14 deal with the shipment and discharge of seamen.

C. Compliance With Statutory Requirements.

1. The shipment and discharge of seamen are controlled by law. Compliance with these laws and the regulations promulgated there under is mandatory in the case of seamen who are employed on United States flag vessels on foreign or intercoastal voyages as follows:
 - a. From a port in the United States to any foreign port except to ports in the following areas:
 - (1) Canada.
 - (2) West Indies.
 - (3) Republic of Mexico.
 - b. A voyage by a vessel of 75 gross tons or upward from a United States Atlantic Coast port to a United States Pacific Coast port or vice versa.
 - c. Whether sailing foreign or intercoastal, all vessels, including vessels serving primarily overseas without returning to any American or foreign port or place, must comply with these laws and regulations unless specifically exempted.
2. The provisions of 46 U.S.C. 10501(a) require the master, owner, charterer, or person in charge of any United States vessel of 50 gross tons and upward, except a vessel to which 46 U.S.C., Chapter 103 applies, bound from a port in one state to a port in another state (except an adjoining state), to make an agreement (shipping articles) with every seaman engaged.
3. Shipping articles are not required for the following voyages or classes of vessels:
 - a. Ferries and towing vessels used in ferry operation if such ferries or towing vessels are used exclusively in trade on the Great Lakes, lakes, bays, sounds, bayous, canals and harbors, and are not engaged on international voyages.
 - b. Vessels that the seamen are by custom or agreement entitled to share in the profit or result of the voyage.
 - c. Foreign vessels.
4. A voyage is defined by the parties involved and stated in specific terms on the shipping articles. A voyage may be from port to port, port to place, place to place, etc.

D. Coast Guard Address.

Each form or report required to be submitted to the Commandant must be forwarded to:
Commanding Officer, National Maritime Center (NMC-4A), 4200 Wilson Blvd., Suite 510,
Arlington, VA. 22203-1804.

E. Shipment Of Seamen On Foreign Or Intercoastal Voyages.

1. Production Of Documents By Seamen Signing Shipping Articles.

- a. If required, when signing on, a seaman shall present a Merchant Mariner's Document endorsed to include the rating in which he is to serve.
- b. An officer must present, at the time of engagement, a Merchant Mariner's Document together with a currently valid license covering the capacity in which the officer is to be employed. In addition, every deck officer in the required complement of a radar-equipped vessel of 300 gross tons and over, which has been issued a Certificate of Inspection for navigation upon ocean, coastwise, or Great Lakes waters, must have a valid and current endorsement as "radar observer" upon the officer's license.
- c. Unless exempted, a radio officer is required aboard vessels greater than 1600 gross tons. The radio officer must present, at the time of engagement, a Coast Guard license as radio officer, an FCC license, and a Merchant Mariner's Document endorsed with the phrase "See License as Radio Officer." The serial and identification numbers of these documents and the proper abbreviation for the grade of the license as radio officer will be entered in the shipping articles by the master.

2. Mutilated Documents.

A mutilated U.S. Merchant Mariner's Document should not be accepted for employment of the seaman.

3. Fraudulent Use Of Documents.

The fraudulent use of Merchant Mariner's Documents by persons not entitled to possession of such documents breaks down the system which the documents were intended to serve (e.g., a proper identification of the holder and his/her qualifications). If the fraudulent use of a Merchant Mariner's Document is found, the master should not allow the bearer to sign on the shipping articles. The master should contact the nearest Officer in Charge, Marine Inspection, for assistance in resolving any discrepancies.

4. Contractual Relationship Between Master And Crew.

"Shipping Articles" is the statutory name given to the agreement signed by the members of the crew and the master with respect to a particular voyage or term of employment. Since the laws have certain specific requirements that must be met, the wording of the articles and especially the voyage description, must be clear and concise.

5. Form Of Shipping Articles.

The form and content of shipping articles for foreign or intercoastal voyages are generally controlled by 46 U.S.C. 10304. The Officer in Charge, Marine Inspection will supply Form CG-705A (Shipping Articles) upon request, as a matter of convenience. Any other form complying with the requirements of the statutes noted above may be utilized with prior approval from Commanding Officer, National Maritime Center (NMC-4A).

6. Number And Disposition Of Shipping Articles And Particulars Of Engagement.
Shipping articles and the Particulars of Engagement page for foreign or intercoastal voyages must be legibly and accurately prepared in duplicate and signed by the master and each seaman engaged on a particular voyage. Prior to sailing the master must submit the original of the shipping articles to Commanding Officer, National Maritime Center (NMC-4A). Any changes made in the crew during the voyage shall be reported on the Particular of Engagement. The Particulars of Discharge page of the shipping articles shall be forwarded to Commanding Officer, National Maritime Center (NMC-4A) at the end of the voyage.
7. Changes To Shipping Articles.
In all cases where there are additions to the shipping articles, such additions must be carefully scrutinized to see that they comply with the law and must be read and explained to the seamen before they sign the articles. Under no circumstances should any rider be added to the shipping articles after signature by the seamen.
8. Signing On Crew Replacements.
If, after the complete crew has been signed on, shipment of replacement seamen becomes necessary for any reason, only seamen who are properly qualified for the positions they are to assume may be employed. The master assumes the responsibility that the replacement seamen are properly qualified. When engaged in foreign voyages, 46 U.S.C. 10309(a) requires the master to report the transaction immediately to the United States consul upon arrival at the first foreign port at which the vessel arrives. Since United States consuls are not located at every foreign port, the statutory report should be made to the United States consul nearest the first port or place in the foreign country at which the vessel arrives. The report may be made by radiogram whereupon an entry should be made in the vessel's Official Logbook indicating that this radiogram report has been made. A copy of the radiogram report may then be attached to the shipping articles.
9. Employment Of Alien Cadets.
When, as part of the training of the Merchant Marine Cadet Corps of the United States Merchant Marine Academy, alien cadets are assigned to vessels for which a construction or operating differential subsidy has been granted, they shall be excluded from any computation of aliens in the crews. The alien cadets assigned must present documentary evidence of their relationship with the academy to the master at the time of signing on the shipping articles. An appropriate notation that such alien cadets are not included in computing the percentage of citizens in the crew should be made by the master in the block provided for entering citizenship information.
10. Posting Of Shipping Articles.
As per 46 U.S.C. 10307, at the commencement of a foreign or intercoastal voyage, the master must post a legible copy of the shipping articles, omitting signatures and addresses, at a place accessible to the crew. (See also 46 CFR 14.211.)

11. Posting The Provisions Text.

A copy of the following text must be posted in a conspicuous place in the galley and forecandle: "A seaman shall be served at least 3 meals a day that total at least 3,100 calories, including adequate water and adequate protein, vitamins and minerals in accordance with the United States Recommended Daily Allowances."

F. Discharge Of Seamen On Foreign Or Intercoastal Voyages.

1. Completing Entries In Shipping Articles At Completion Of Voyage.

At the completion of a foreign or intercoastal voyage or the completion of a term of employment when any or all of the crew is paid off, the release on the shipping articles must be signed by the crewmember being discharged. All columns of the shipping articles, including the record of the balance of wages of each seaman, must be properly completed at this time.

2. Use Of Certificate Of Discharge, Form CG-718A.

- a. At the time of discharge, a seaman who holds a Merchant 's Document must be issued a Certificate of Discharge to Merchant Seaman (CG-718A) describing the services performed during the voyage (if they do not hold a Continuous Discharge Book).
- b. All entries on the Certificates of Discharge must be made with either a typewriter or an indelible pen.
- c. The completed Certificate of Discharge must be signed by the seaman concerned and by the master of the vessel. The signatures must be made, with an indelible pen, before issuing the original to the seaman.
- d. When completing this form, the entry used to record the service performed shall be specific with regard to an individual's job. Unlicensed ratings, e.g., deck, engine, steward, industrial ratings (mobile offshore units), or other ratings that could leave doubt as to which department an individual was employed, shall be stated along with the specific job held. If an individual changes jobs while on the vessel, each discharge or continuous discharge book entry shall specify the department in which work was conducted, the position held and the exact time in that position.
- e. The original completed Certificate of Discharge must be issued to the seaman who signs the certificate. A copy of the completed discharge must be retained by the shipping company. A copy of the completed discharge or an electronic copy must be forwarded to the Commanding Officer, National Maritime Center (NMC-4A). The copies of the Shipping Articles, Particulars of Engagement page and Particulars of Discharge page shall be maintained by the shipping company. Shipping companies and masters will be supplied with Certificates of Discharge (Form CG-718A) by the local Officer in Charge, Marine Inspection, upon request or a copy of the Mariner's Employment Information System (MEIS) software.

3. Use Of Continuous Discharge Book, Form CG-719A.

- a. If the seaman holds a Continuous Discharge Book (CDB), the book may be used only to record services performed on merchant vessels. The required entries should be made at the time the seaman is discharged. If the seaman's CDB has been lost, the seaman must be issued a Certificate of Discharge, Form CG-718A.
- b. Masters making an entry in the CDB must also prepare a Certificate of Discharge, Form CG-718A, following the directions in Section F.2, "Use of Certificate of Discharge, Form CG-718A," showing all the information entered in the CDB.

4. Discharge Of Seamen In A Foreign Port Or Place.

- a. When a seaman is discharged in a foreign port or place, the master must make the required entries on the Shipping Articles, and on Form CG-718A. The entries must be attested to by the consular officer in ports or places where available. If the consul is not available, the release may be executed by the master and seaman only.
- b. The white copy of any discharge given out in this manner must be attached to Form CG-705A or equivalent on which discharges are reported.

5. Discharge Of Seamen In Special Cases.

- a. When a seaman, incapacitated from service by injury or illness, is on board a vessel and it is impractical for the vessel's master to make a personal appearance before a United States consul, the seaman may be sent to the consul or consular agent. The consul will provide care for the seaman and defray the cost of the seaman's maintenance and transportation when the following conditions are met:
 - (1) When the condition of the injured or ill seaman is such that prompt medical attendance is necessary and cannot be furnished shipboard; and
 - (2) The master cannot proceed with the seaman to the consul without risk to the crew, the vessel or the cargo.
- b. When the master cannot appear before the consul in person, the master will provide the consul in writing a full statement of the facts that require the discharge of the seaman, together with a statement of the reasons why the master is unable to appear before the consul. The statement should cover the usual particulars set forth in a discharge and should be accompanied by an account of the wages due with the funds to meet such wages, or (if the cash is not available) with an order for the owner for the amount due.
- c. If the consul considers the statement satisfactory, the seaman may be discharged as if the master were present.
- d. If the consul does not consider the statement satisfactory, and the condition of the seaman permits, the consul will decline to grant the discharge and direct that the seaman be returned to the vessel at its expense.
- e. When the condition of the injured or ill seaman is such that the seaman is incapable of completing the release for discharge at the time of removal from the vessel, the master must complete the master's portion of the Mutual Release, Form CG-713A, and place it with the seaman.

- (1) If the seaman possesses a Merchant Mariner's Document, the master must complete a Certificate of Discharge, Form CG-718A, and make the proper entries on the ship's articles. Form CG-718A must be retained by the master until the termination of the voyage, at which time it must be delivered to the vessel's owner or agent along with shipping articles. Upon completion and presentation of the Mutual Release, Form CG-713A, to the vessel's owner or agent, the seaman must receive all wages due. Form CG-718A must then be signed by the seaman and the original given to him/her. A copy of Form CG-718A must be forwarded to the National Maritime Center (NMC-4A). At this time a notation of the completion of the release should be made on the shipping articles with Form CG-713A attached.
- (2) If the seaman possesses a Continuous Discharge Book, the master must make the proper entries in the book, on the shipping articles and complete Form CG-718A, which must be retained by the master until the termination of the voyage, at which time it must be delivered to the vessel's owner or agent along with the shipping articles. Upon completion and presentation of the Mutual Release, Form CG-713A, to the vessel's owner or agent, the seaman must receive all wages due. Form CG-718A must then be signed by the seaman and a copy or electronic copy forwarded to the National Maritime Center (NMC-4A). At this time a notation of the completion of the release should be made on the shipping articles with the Form CG-713A attached.

6. Crew Replacements.

When crew vacancies occur, a vessel may continue to be navigated if the vacancies are filled with replacements of the same or higher grade or rating. When vacancies occur for any reason overseas, and U.S. licensed or documented personnel are not available, 46 U.S.C. 8103(e) permits a non-citizen possessing equivalent licenses, documents and/or qualifications to be employed as a replacement until the vessel's first return to a port at which in the most expeditious manner a replacement who is a citizen of the United States can be obtained. Neither the master nor the Radio Officer can be replaced with non-citizens. The master bears the responsibility to assure such personnel are qualified and, once aboard are trained for their duties, as well as having the ability to communicate in English. Refer to section 20.F of this manual for a detailed discussion of "sailing short" and filling vacancies with foreign crewmembers.

7. Reporting Crew Shortage.

- a. 46 U.S.C. 8101 permits a vessel to be navigated without all of the required positions being filled if:
 - (1) Such vacancies occurred without the consent, fault or collusion of the master, owner or any other person interested in the vessel;
 - (2) The master is unable to obtain replacements of the same or higher grade or rating to fill the vacant positions; and
 - (3) It is the judgment of the master that the vessel is sufficiently manned to safely continue the voyage.

- b. In all cases where an inspected vessel, having been deprived of the services of crew members and is navigated with either fewer crew members on board than the complement for the vessel calls for, or with replacements of lower grade or rating, 46 U.S.C. 8101(e) and 46 CFR 15.725, require the master to report the shortage and explain the cause of it, in writing, to the nearest Officer in Charge, Marine Inspection. The master need not obtain permission to sail short, but must report the shortage within 12 hours of the vessel's arrival at its destination. No particular form is required to be used in making such a report, but Report of Crew Shortage, Form CG-729, may be used. Refer to section 20.F of this volume for further information on sailing short.
- c. Masters filing the report should:
 - (1) Include the name, license, certificate or document number of the crew who left the vessel;
 - (2) State the cause of the shortage and the port or place at which it occurred; Certify that no replacements of the same grade or rating were obtainable; and
 - (3) State that in his/her judgment the vessel was sufficiently manned.

8. Reporting Change Of Masters.

If there has been a change of masters during the voyage, the relieving master must note the change and the effective date on the face of the shipping articles in the blank space to the left of the section headed "Citizenship Requirements." The date of change noted should concur with any entry in the Official Logbook pertaining to the change of masters.

9. Number And Disposition Of Particulars Of Discharge Page.

The Particulars of Discharge page for foreign and intercoastal voyages must be legibly and accurately prepared in duplicate and signed by the master and each seaman engaged on a particular voyage. It must be attached to the Shipping Articles and Particulars of Engagement page with copies of the Certificate of Discharge and held by the company. Copies of the Certificate of Discharge or an electronic copy of discharge, shall be sent to Commanding Officer, National Maritime Center (NMC-4A) at the end of the particular voyage.

G. Shipment And Discharge Of Seamen On Domestic Voyages.

1. Coastwise Voyages.

- a. This section applies to vessels of at least 50 gross tons on a voyage between a port in one state and a port in another state (except an adjoining state). Exemptions are made for vessels:
 - (1) On which the seamen are by custom or agreement entitled to share in the profit on result of a voyage; or
 - (2) Which are foreign vessels; or
 - (3) On intercoastal voyages (between a port on the Atlantic coast and a port on the Pacific coast).

- b. Before proceeding on a voyage, the master shall make a shipping articles agreement in writing with each seaman on board, declaring the nature of the voyage or the time period for which the seaman is to be engaged. The agreement must include the date and time for which the seaman must be on board to begin the voyage.
- c. If the vessel's crew is required to hold a Merchant Mariner's Document, pursuant to 46 U.S.C., the crewmember signing on must display a MMD properly endorsed for the capacity in which the seaman is to serve.
- d. The master of a merchant vessel of 100 gross tons or upward shall report the employment, discharge or termination of the services of every seaman in the manner provided in this section. The following are exempted:
 - (1) Vessels employed exclusively in trade on the navigable rivers of the United States.
 - (2) Fishing or whaling vessels.
 - (3) Yachts.
 - (4) Ferries and tugs used in ferry operations if such ferries and tugs are employed exclusively in trade on the Great Lakes, lakes (other than Great Lakes), bays, sounds, bayous, canals and harbors, and are not engaged in international voyages.
 - (5) Unrigged vessels other than seagoing barges.
- e. Prior to sailing on a coastwise voyage, the master must submit to the Commandant a Form CG-705A listing the names and any other information required by the form, except for the date and place of discharge of the master and of each member of the crew shipped. Thereafter, at the end of each calendar month or at the termination of the voyage, whichever is first, the master must submit a supplementary report on Form CG-705A listing the name, as well as the other information required, of each seaman engaged, discharged, or whose services were otherwise terminated since the previous submission of the report.
- f. Every discharge entry made on a Form CG-705A or equivalent must agree exactly with the corresponding entry made on the Certificate of Discharge, Form CG-718A or the Continuous Discharge Book CG-719A. Each copy of a discharge must be attached to the Form CG-705A on which the discharge is reported and be maintained by the shipping company. Copies of the Certificate or an electronic copy of the information shall be sent to the Commanding Officer, National Maritime Center (NMC-4A).

2. Other Domestic Voyages.

- a. The master of a merchant vessel of 100 gross tons or upward shall report the employment, discharge or termination of the services of every seaman in the manner provided in this section. The following vessels are excepted:
 - (1) Vessels employed exclusively in trade on the navigable rivers of the United States.
 - (2) Fishing or whaling vessels.
 - (3) Yachts.

- (4) Ferries and tugs used in ferry operations if such ferries and tugs are employed exclusively in trade on the Great Lakes, lakes (other than Great Lakes), bays, sounds, bayous, canals and harbors, and are not engaged in international voyages.
- (5) Unrigged vessels other than seagoing barges.
- b. When a vessel is employed exclusively on bays or sounds, the master must submit a Form CG-705A on the last day of each calendar month listing the name, as well as the other information required by the form, of each seaman employed, discharged, or whose services were otherwise terminated during the month.
- c. When a vessel is employed exclusively on the Great Lakes, the master must submit a Form CG-705A at the commencement of the season, or when the vessel is put into service, listing the names, as well as the other information required by the form, with the exception of date and place of discharge of each member of the crew. At the end of each calendar month, the master must submit a supplementary report on Form CG-705A listing the names, as well as the other information required by the form, of:
 - (1) Each seaman whose employment was terminated during the month and who was not reengaged on the vessel's next trip; and
 - (2) Each seaman engaged during the month who was not also employed on the vessel in the same capacity on the last trip preceding the engagement.
- d. At the close of the season, or when the vessel is withdrawn from service, the master must submit a final report to the shipping company on Form CG-705A containing the information required by the form concerning each seaman who has not been previously reported as discharged.
- e. If a crewmember must carry a Merchant Mariner's Document, a Certificate of Discharge must be issued. Every discharge entry made on a Form CG-705A or equivalent must agree exactly with the corresponding entry made in the Certificate of Discharge, Form CG-718A, or Continuous Discharge Book, Form CG-719A. Each copy of a record or entry of discharge must be attached to Form CG-705A on which the discharge is reported and be retained by the shipping company. Copies of the certificates of discharge or an electronic copy of the information shall be sent to the Commanding Officer, National Maritime Center (NMC-4A).

H. Official Logbooks.

1. General.

- a. Except a vessel on a voyage from a port in the United States to a port in Canada, a vessel of the United States shall have an official logbook if the vessel is:
 - (1) On a voyage from a port in the United States to a foreign port; or
 - (2) Of at least 100 gross tons and is on a voyage between a port of the United States on the Atlantic Ocean and on the Pacific Ocean.
- b. The Official Logbook shall be maintained as specified in statute (46 U.S.C. 11301) and regulations. The Official Logbook should be submitted to the OCMI at the port where the termination of the voyage takes place. It is not to be forwarded to Coast Guard Headquarters.

2. Character Entry By Master Upon Discharge Of Seaman.

Upon the discharge of every seaman, the master must enter in the Official Logbook a report of the conduct, character and qualifications of the person discharged or state that an opinion will not be given.

3. Logbook Entries.

All masters and officers making entries in the Official Logbook are to be reminded by inspecting officers that the book may be prima facie evidence in a court of law and that entries must be made in accordance with 46 U.S.C. 11502 or they may not be admissible evidence of events aboard ship.

I. Deceased And Deserting Seamen.

1. Disposition Of Wages And Effects.

- a. The authority for the disposition of the wages and effects of deceased seamen is contained in 46 U.S.C. Chapter 107. The authority for disposition of the wages and effects of deserting seamen is contained in 46 U.S.C. Chapter 115. There are no regulations written specifically addressing this subject. The instructions in this chapter are intended to establish a uniform procedure for their administration.
- b. Certified extracts of the Official Logbook entry of a deceased or deserting seaman's wages and effects should be distributed to the following:
 - (1) Employer, vessel owner and vessel operating company;
 - (2) Applicable U.S. District Court or U.S. Consulate Officer;
 - (3) Commanding Officer, National Maritime Center (NMC-4A); and
 - (4) With the personal effects of the deceased. The master or master's representative is responsible for delivery of the seaman's money, property and wages to a consular officer or to the U.S. District Court of the district in which the voyage begins or ends.
- c. The responsibilities of obtaining certified copies of the logbook and sending them to the proper authorities used to be a duty of the shipping commissioner. The master should inform the local OCMI of the death and the OCMI shall obtain certified copies of the logbook and forward them to the authorities listed in b.(2) and (3) above.

2. Deceased Seamen.

The provisions of 46 U.S.C. Chapter 107 apply to the handling of wages and effects of deceased seamen. These are applicable if the seaman had been employed in foreign or intercoastal trade. They do not apply if the seaman had been employed in coastwise trade, or in trade between the U.S. and Canada, the West Indies, or the Republic of Mexico. When 46 U.S.C. Chapter 107 does not apply, the master should turn the deceased seaman's wages and effects over to the shipping company who in turn should deliver them to the official responsible for handling the seaman's estate.

3. Deserting Seamen.

Under 46 U.S.C. 11501, desertion by an "engaged" seaman shall be punished by forfeiture of earned wages, money or property left on board. Disposition of such forfeitures is controlled by 46 U.S.C. 11505.

